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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,478	01/28/2000	Patrick Dana Simpson	SMTT 320	2300

7590

12/13/2002

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EXAMINER

WERNER, FRANK E

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 12/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

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Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents.

Sheet
(See Attached)

Art Unit: 3652

1. The amendment filed on Sept. 17, 2002 and Sept. 18, 2002 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the pivotal elevatable support member of base claim 12 does not have first and second arm members (as in cancelled elected base claim 1) and does not pivot the arms (as in cancelled elected base claim 1), the operation and structure in the last five lines of base claim 12 were not found in cancelled base claim 1 and the subject matter of base claim 12 is similar to the subject matter of non-elected cancelled base claim 11. Further, base claim 18 contains a stationary frame with a drive which was not present in elected and cancelled base claim 1, does not contain a second arm as in elected and cancelled base claim 1 and contains a shoe arm being movable by the movement of the movable frame which was not present in elected and cancelled base claim 1. Therefore, an examination of newly presented base claims 12 and 18 (and claims dependent thereon) would involve further consideration and/or search of the above noted subject matter thereby imposing a burden of the Office.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

2. Any inquiry concerning this communication should be directed to F. E. Werner at telephone number (703) 308-1140.

Application/Control Number: 09/493,478

Page 3

Art Unit: 3652

Werner/kl
December 4, 2002

Frederick
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